

**SUPREME COURT MINUTES
WEDNESDAY, MARCH 25, 1998
SAN FRANCISCO, CALIFORNIA**

S067104 People, Respondent
1st Dist. v.
A068978 Cruz Alberto Mendoza et al., Appellants
Div. 5 Appellants' petitions for review GRANTED.

George, C.J.
Mosk, J.
Kennard, J.
Baxter, J.
Werdegar, J.
Chin, J.
Brown, J.

S067115 John B. Vandenberg et al., Petitioners
3rd Dist. v.
C023922 Sacramento County Superior Court, Respondent
C024460 Centennial Insurance Company et al., Real Parties in Interest
 Petitions for review GRANTED.

The issues to be briefed and argued before this court shall be limited to 1) Whether a general liability insurance policy may never provide an insured defendant with coverage for losses that are plead by the plaintiff as breaches of contract and 2) Whether commercial arbitration decisions have collateral estoppel effect.

George, C.J.
Kennard, J.
Baxter, J.
Werdegar, J.
Chin, J.
Brown, J.

S067672 People, Respondent
3rd Dist. v.
C018062 Michael Daniel Sargent, Sr., Appellant
Respondent's petition for review GRANTED.

George, C.J.
Kennard, J.
Baxter, J.
Werdegar, J.
Chin, J.
Brown, J.

S048702 People, Respondent
2nd Dist. v.
B087484 William Joel Petty, Appellant
Div. 7 The above-entitled review is hereby transferred to the Court of
Appeal, Second Appellate District, Division Seven, with directions
to vacate its decision and to reconsider the cause in light of *People v.*
Superior Court (Romero) (1996) 13 Cal.4th 497.

George, C.J.
Mosk, J.
Kennard, J.
Baxter, J.
Werdegar, J.
Chin, J.
Brown, J.

S057813 Steve Davis, Appellant
1st Dist. v.
A068644 KGO-T.V. Inc., Appellant
A070030 Petition for rehearing DENIED.
Div. 1

- S057081 In re the Marriage of Brent N. Moss, Petitioner
4th Dist. v.
E017504 Riverside County Superior Court, Respondent
Div. 2 Tamara S. Moss, Real Party in Interest
 Petition for rehearing DENIED.
- S067136 Terry Huston, Petitioner
 v.
 Fourth District Court of Appeal, Respondent
 Bank of America National Trust and Savings Assn.,
 Real Party in Interest
 Application for stay and petition for writ of mandate DENIED.
- S068921 William Snow Hume, Petitioner
 v.
 Bill Jones et al., Respondents
 Ruben Barrales, Real Party in Interest
 Application for stay and petition for writ of mandate DENIED.
- S068512 In re Bernard Lee Hamilton
 on
 Habeas Corpus
 The petition for writ of habeas corpus is denied on the substantive ground that it is without merit. Separately and independently, it is denied on the procedural ground (see *Harris v. Reed* (1989) 489 U.S. 255, 264, fn. 10) that it is untimely, without justification or excuse and outside any exception, including that for a fundamental miscarriage of justice (see generally *In re Clark* (1993) 5 Cal.4th 750, 763–799): the claims therein were not presented within a reasonable time after their legal and factual bases were, or should have been, discovered (see *id.* at pp. 784–785). Separately and independently, it is also denied on the procedural ground (see *Harris v. Reed, supra*, 489 U.S. at p. 264, fn. 10) that it is repetitive, without justification or excuse and outside any exception, including that for a fundamental miscarriage of justice (see generally *In re Clark, supra*, 5 Cal.4th at pp. 763–799): the claims therein were raised, and rejected, on habeas corpus previously (*In re Bernard Lee Hamilton on Habeas Corpus*, S062705, den. Aug. 20, 1997; *In re Bernard Lee Hamilton on Habeas Corpus*, S065341, den. Feb. 18,

1998) (see *In re Clark*, *supra*, 5 Cal.4th at p. 767; *In re Miller* (1941) 17 Cal.2d 734, 735).

Mosk, J., and Brown, J., would deny the petition solely on the merits.

Orders were filed in the following matters denying petition for writ of habeas corpus:

- S058400 - In re David Lee Scott on Habeas Corpus.
- S063981 - In re Benjamin Padayao on Habeas Corpus.
- S064116 - In re Guy M. Woody on Habeas Corpus.
- S064125 - In re David Lyle Norling on Habeas Corpus.
- S064268 - In re Sharon Rico on Habeas Corpus.
- S064363 - In re Larry Darnell Thomas on Habeas Corpus.
- S064378 - In re Michael Allen Field on Habeas Corpus. Petition for writ of habeas corpus is DENIED on the merits and for lack of diligence.
- S064400 - In re St. Michael Doc Balzarini on Habeas Corpus. Petition for writ of habeas corpus is DENIED. (*In re Swain* (1949) 34 Cal.2d 300, 304; *In re Dixon* (1953) 41 Cal.2d 756, 759; *People v. Hill* (1973) 9 Cal.3d 784, 786-787; *In re Waltreus* (1965) 62 Cal.2d 218, 225; *In re Lessard* (1965) 62 Cal.2d 497, 503.)
- S064401 - In re Jesse Acosta Huerta on Habeas Corpus. Petition for writ of habeas corpus is DENIED on the merits and for lack of diligence.
- S064431 - In re Lyle Victor Hood on Habeas Corpus. Petition for writ of habeas corpus is DENIED. (*In re Swain* (1949) 34 Cal.2d 300, 304; *In re Dixon* (1953) 41 Cal.2d 756, 759.)
- S064435 - In re Jorge Pitto on Habeas Corpus.

- S064569 - In re Louis Francis on Habeas Corpus.
- S064570 - In re Pedro Mireles Rodarte on Habeas Corpus.
- S064577 - In re Gary Eugene Kukes on Habeas Corpus.
- S064592 - In re Ronald Crenshaw on Habeas Corpus. Petition for writ of habeas corpus is DENIED. (*In re Miller* (1941) 17 Cal.2d 734, 735; *In re Waltreus* (1965) 62 Cal.2d 218, 225; *In re Swain* (1949) 34 Cal.2d 300, 304.)
- S064599 - In re Stephen L. Wilson on Habeas Corpus.
- S064623 - In re Marvin Elmer Mark on Habeas Corpus. Petition for writ of habeas corpus is DENIED. (*In re Waltreus* (1965) 62 Cal.2d 218, 225.)
- S064634 - In re P.F. Lazor on Habeas Corpus.
- S064672 - In re Charles Kyle Gray on Habeas Corpus.
- S064676 - In re Pedro Alberto Diego on Habeas Corpus. Petition for writ of habeas corpus is DENIED. (*In re Swain* (1949) 34 Cal.2d 300, 304; *In re Waltreus* (1965) 62 Cal.2d 218, 225; *In re Dixon* (1953) 41 Cal.2d 756, 759.)
- S064679 - In re Steven James Goodman on Habeas Corpus.
- S064681 - In re Richard Herman Ford on Habeas Corpus. Petition for writ of habeas corpus is DENIED. (*In re Waltreus* (1965) 62 Cal.2d 218, 225; *In re Swain* (1949) 34 Cal.2d 300, 304.)
- S064855 - In re Darnell Stuart on Habeas Corpus. Petition for writ of habeas corpus is DENIED. (*In re Swain* (1949) 34 Cal.2d 300, 304.)
- S064934 - In re Eugene Shambatuyev on Habeas Corpus.
- S064938 - In re Catalina Harvey on Habeas Corpus.
- S064980 - In re Deneal Deshawn Young on Habeas Corpus.

- S065031 - In re Rudolph R. Hoskins on Habeas Corpus. Petition for writ of habeas corpus is DENIED. (*In re Swain* (1949) 34 Cal.2d 300, 304; *In re Clark* (1993) 5 Cal.4th 750.)
- S065050 - In re Michael Angel Plaza on Habeas Corpus.
- S065072 - In re Phillip L. Caprioglio on Habeas Corpus. Petition for writ of habeas corpus is DENIED. (*In re Miller* (1941) 17 Cal.2d 734, 735; *In re Waltreus* (1965) 62 Cal.2d 218, 225; *In re Dixon* (1953) 41 Cal.2d 756, 759.)
- S065087 - In re Carter Terrell Moore on Habeas Corpus. Petition for writ of habeas corpus is DENIED. (*In re Swain* (1949) 34 Cal.2d 300, 304; *In re Lindley* (1947) 29 Cal.2d 709, 723; *In re Waltreus* (1965) 62 Cal.2d 218, 225; *In re Dixon* (1953) 41 Cal.2d 756, 759.)
- S065218 - In re Daniel Dennis Scott on Habeas Corpus.
- S065221 - In re Armando Garcia on Habeas Corpus. Petition for writ of habeas corpus is DENIED. (*In re Waltreus* (1965) 62 Cal.2d 218, 225; *In re Swain* (1949) 34 Cal.2d 300, 304.)
- S065224 - In re Steven E. Kutylo on Habeas Corpus.
- S065283 - In re Richard Hermand Ford on Habeas Corpus. Petition for writ of habeas corpus is DENIED. (*In re Swain* (1949) 34 Cal.2d 300, 304; *In re Waltreus* (1965) 62 Cal.2d 218, 225.)
- S065386 - In re Eduardo Salguero on Habeas Corpus.
- S065433 - In re Robert F. Arredondo on Habeas Corpus. Petition for writ of habeas corpus is DENIED. (*In re Lindley* (1947) 29 Cal.2d 709, 723; *In re Waltreus* (1965) 62 Cal.2d 218, 225; *In re Dixon* (1953) 41 Cal.2d 756, 759; *In re Swain* (1949) 34 Cal.2d 300, 304.)
- S065453 - In re Ignacio Perez Aguilar on Habeas Corpus. Petition for writ of habeas corpus is DENIED. (*In re Swain* (1949) 34 Cal.2d 300, 304; *In re Lindley* (1947) 29 Cal.2d 709, 723.)
- S065458 - In re Carthell Roberts on Habeas Corpus.

- S065521 - In re Wilbur W. Williams on Habeas Corpus.
- S065565 - In re Terry Pegues on Habeas Corpus. Petition for writ of habeas corpus is DENIED. (*In re Lindley* (1947) 29 Cal.2d 709, 723; *In re Dixon* (1953) 41 Cal.2d 756, 759.)
- S065590 - In re Gary Eugene Kukes on Habeas Corpus.
- S065616 - In re Herman Johnson on Habeas Corpus.
- S065619 - In re Ernest J. Watts on Habeas Corpus. Petition for writ of habeas corpus is DENIED. (*In re Swain* (1949) 34 Cal.2d 300, 304; *In re Waltreus* (1965) 62 Cal.2d 218, 225; *In re Miller* (1941) 17 Cal.2d 734, 735; *In re Dixon* (1953) 41 Cal.2d 756, 759.)
- S065630 - In re Dayman L. Palmer on Habeas Corpus. Petition for writ of habeas corpus is DENIED. (*In re Swain* (1949) 34 Cal.2d 300, 304.)
- S065631 - In re Richard Ross on Habeas Corpus. Petition for writ of habeas corpus is DENIED on the merits.
- S065633 - In re Michael C. Hill on Habeas Corpus.
- S065660 - In re Danual Ray Hodges on Habeas Corpus.
- S065677 - In re Doy Sidney Bowie on Habeas Corpus. Petition for writ of habeas corpus is DENIED. (*In re Clark* (1993) 5 Cal.4th 750; *In re Lessard* (1965) 62 Cal.2d 497, 503; *In re Dixon* (1953) 41 Cal.2d 756, 759; *In re Waltreus* (1965) 62 Cal.2d 218, 225.)
- S065680 - In re Gilberto Chavez on Habeas Corpus.
- S065689 - In re Edward Gozy on Habeas Corpus.
- S065693 - In re Michael A. Green on Habeas Corpus. Petition for writ of habeas corpus is DENIED on the merits.
- S065694 - In re Roderick Eugene Barnes on Habeas Corpus. Petition for writ of habeas corpus is DENIED on the merits and for lack of diligence.

- S065738 - In re Charles Richard Egan on Habeas Corpus.
- S065741 - In re Valentin Trujillo on Habeas Corpus. Petition for writ of habeas corpus is DENIED. (*In re Waltreus* (1965) 62 Cal.2d 218, 225.)
- S065743 - In re Nicolas Martinez Nieves on Habeas Corpus. Petition for writ of habeas corpus is DENIED. (*In re Lindley* (1947) 29 Cal.2d 709, 723; *In re Waltreus* (1965) 62 Cal.2d 218, 225.)
- S065751 - In re Dennis Roger Bell on Habeas Corpus.
- S065764 - In re Joaquin Escobar on Habeas Corpus. Petition for writ of habeas corpus is DENIED. (*In re Swain* (1949) 34 Cal.2d 300, 304.)
- S065771 - In re Marcos Miguel Gonzalez on Habeas Corpus. Petition for writ of habeas corpus is DENIED. (*In re Waltreus* (1965) 62 Cal.2d 218, 225; *In re Dixon* (1953) 41 Cal.2d 756, 759.)
- S065772 - In re Eddie Lee Brumfield on Habeas Corpus. Petition for writ of habeas corpus is DENIED. (*In re Swain* (1949) 34 Cal.2d 300, 304.)
- S065773 - In re Larry Viera on Habeas Corpus. Petition for writ of habeas corpus is DENIED. (*In re Dexter* (1979) 25 Cal.3d 921, 925; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)
- S065781 - In re James A. McDaniels on Habeas Corpus. Petition for writ of habeas corpus is DENIED on the merits and for lack of diligence.
- S065783 - In re Dwight Dwayne Grandberry on Habeas Corpus. Petition for writ of habeas corpus is DENIED. (*In re Swain* (1949) 34 Cal.2d 300, 304; *In re Miller* (1941) 17 Cal.2d 734, 735; *In re Waltreus* (1965) 62 Cal.2d 218, 225; *In re Dixon* (1953) 41 Cal.2d 756, 759.)
- S065795 - In re Dwayne Jones on Habeas Corpus. Petition for writ of habeas corpus is DENIED. (*In re Lindley* (1947) 29 Cal.2d 709, 723; *In re Dixon* (1953) 41 Cal.2d 756, 759.)
- S065800 - In re Michael Galathe on Habeas Corpus.
- S065801 - In re Ian Seth Goldstein on Habeas Corpus. Petition for writ of habeas corpus is DENIED. (*In re Swain* (1949) 34 Cal.2d 300, 304.)

- S065819 - In re Bruce Reese on Habeas Corpus. Petition for writ of habeas corpus is DENIED. (*In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)
- S065832 - In re Michael Anthony Miller on Habeas Corpus.
- S065835 - In re Jose A. Ochoa on Habeas Corpus.
- S065851 - In re Nels J. Sperling on Habeas Corpus. Petition for writ of habeas corpus is DENIED. (*In re Swain* (1949) 34 Cal.2d 300, 304; *In re Clark* (1993) 5 Cal.4th 750; *In re Miller* (1941) 17 Cal.2d 734, 735.)
- S065861 - In re Leonard Earl Carter on Habeas Corpus. Petition for writ of habeas corpus is DENIED. (*In re Waltreus* (1965) 62 Cal.2d 218, 225.)
- S065872 - In re Dion Truehill on Habeas Corpus.
- S065924 - In re Eric Martin on Habeas Corpus. Petition for writ of habeas corpus is DENIED. (*In re Swain* (1949) 34 Cal.2d 300, 304.)
- S065926 - In re Michael David Grant on Habeas Corpus.
- S065929 - In re Joseph Rick McCarter on Habeas Corpus. Petition for writ of habeas corpus is DENIED. (*In re Clark* (1993) 5 Cal.4th 750; *In re Waltreus* (1965) 62 Cal.2d 218, 225; *In re Miller* (1941) 17 Cal.2d 734, 735; *In re Swain* (1949) 34 Cal.2d 300, 304.)
- S065937 - In re Clarence Brewer on Habeas Corpus. Petition for writ of habeas corpus is DENIED. (*In re Swain* (1949) 34 Cal.2d 300, 304; *In re Clark* (1993) 5 Cal.4th 750; *In re Miller* (1941) 17 Cal.2d 734, 735.)
- S065938 - In re Edward Lee Thomas on Habeas Corpus.
- S065953 - In re Thor B. Jenkins on Habeas Corpus.
- S065962 - In re Jerry Wayne Phillips on Habeas Corpus.
- S065997 - In re James M. Myron on Habeas Corpus. Petition for writ of habeas corpus is DENIED. (*In re Dixon* (1953) 41 Cal.2d 756, 759.)

- S066001 - In re Carlos Antonio Mancias on Habeas Corpus.
- S066004 - In re Christopher Mines on Habeas Corpus.
- S066006 - In re Mark A. Scott on Habeas Corpus.
- S066025 - In re Howard Maxwell on Habeas Corpus.
- S066026 - In re Anthony DeWayne Ross on Habeas Corpus.
- S066045 - In re Michael L. Galathe on Habeas Corpus.
- S066048 - In re Stanley Ezell Singleton on Habeas Corpus.
- S066049 - In re Mark A. Scott on Habeas Corpus.
- S066065 - In re Robert Gollette on Habeas Corpus.
- S066076 - In re Thomas Floyd Brissette on Habeas Corpus. Petition for writ of habeas corpus is DENIED. (*In re Miller* (1941) 17 Cal.2d 734, 735; *In re Swain* (1949) 34 Cal.2d 300, 304.)
- S066086 - In re Richard Sanchez Samano on Habeas Corpus. Petition for writ of habeas corpus is DENIED. (*In re Waltreus* (1965) 62 Cal.2d 218, 225.)
- S066087 - In re Tracy Maxwell on Habeas Corpus.
- S066089 - In re Eric O'Neal Robinson on Habeas Corpus. Petition for writ of habeas corpus is DENIED. (*In re Waltreus* (1965) 62 Cal.2d 218, 225; *In re Lindley* (1947) 29 Cal.2d 709, 723.)
- S066092 - In re Antonio Gonzales on Habeas Corpus.
- S066093 - In re Peter Burza on Habeas Corpus.
- S066101 - In re Terrance Eugene Butler on Habeas Corpus. Petition for writ of habeas corpus is DENIED. (*In re Swain* (1949) 34 Cal.2d 300, 304.)
- S066155 - In re Daryl Wakefield on Habeas Corpus. Petition for writ of habeas corpus is DENIED on the merits.

- S066156 - In re Rusley Robinson, Jr. on Habeas Corpus. Petition for writ of habeas corpus is DENIED. (*In re Swain* (1949) 34 Cal.2d 300, 304.)
- S066187 - In re Larry Wayne Davis on Habeas Corpus.
- S066207 - In re Orlando Raymond Ford on Habeas Corpus.
- S066212 - In re Bruce Williams on Habeas Corpus. Petition for writ of habeas corpus is DENIED on the merits.
- S066214 - In re Rodney Coleman on Habeas Corpus. Petition for writ of habeas corpus is DENIED. (*In re Waltreus* (1965) 62 Cal.2d 218, 225.)
- S066246 - In re Steve Dippel on Habeas Corpus. Petition for writ of habeas corpus is DENIED. (*In re Swain* (1949) 34 Cal.2d 300, 304.)
- S066249 - In re Mark Anthony Glass on Habeas Corpus. Petition for writ of habeas corpus is DENIED on the merits.
- S066252 - In re Charles Eugene Brown on Habeas Corpus. Petition for writ of habeas corpus is DENIED. (*In re Dixon* (1953) 41 Cal.2d 756, 759.)
- S066255 - In re Gustavo Tavo Granados on Habeas Corpus.
- S066310 - In re Mark A. Scott on Habeas Corpus.
- S066448 - In re Mark A. Scott on Habeas Corpus.
- S066570 - In re Peter Burza on Habeas Corpus.
- S066946 - In re Eddie Lee Brumfield on Habeas Corpus. Petition for writ of habeas corpus is DENIED. (*In re Swain* (1949) 34 Cal.2d 300, 304.)
- S066978 - In re Dwight Dwayne Grandberry on Habeas Corpus. Petition for writ of habeas corpus is DENIED. (*In re Swain* (1949) 34 Cal.2d 300, 304; *In re Dexter* (1979) 25 Cal.3d 921, 925; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)
- S067228 - In re Kenneth Lee Houston on Habeas Corpus.

- S067311 - In re Mary Catherine Shelton on Habeas Corpus.
- S068053 - In re Richard Morgan on Habeas Corpus. Petition for writ of habeas corpus is DENIED. (*In re Swain* (1949) 34 Cal.2d 300, 304.)
- S068207 - In re Edward H. Stokes on Habeas Corpus.
- S068377 - In re Bruce Wayne Fiedler on Habeas Corpus.
- S068480 - In re Arthur Van Swait on Habeas Corpus. Petition for writ of habeas corpus and stay request are DENIED for failure to exhaust administrative remedies.
- S068617 - In re Hector Camarena on Habeas Corpus. Petition for writ of habeas corpus is DENIED. (*In re Swain* (1949) 34 Cal.2d 300, 304.)

1st Dist. People, Respondent
A062766 v.
Div. 5 Jerry Ledet et al., Appellants
S052218 Appellants' petitions for review DENIED.
Kennard, J., is of the opinion review should be granted.

1st Dist. In re Edward S., a Minor
A073536 -----
A077966 Solano County Health and Social Services, Respondent
Div. 5 v.
S067983 Donald S. et al., Appellants
Petition for review DENIED.

1st Dist. People, Respondent
A074547 v.
Div. 1 Joshua Price-Mahdi, Appellant
S067286 Appellant's petition for review DENIED.

1st Dist. In re Louis R. Jenkins on Habeas Corpus
A074789 -----
A079042 People, Respondent
Div. 5 v.
S068130 Louis R. Jenkins, Appellant
Appellant's petition for review DENIED.

1st Dist. People, Respondent
A075831 v.
A079095 Katalin Eva Horvath, Appellant
Div. 5 -----
S067987 In re Katalin Eva Horvath on Habeas Corpus
Appellant's petition for review DENIED.

1st Dist. People, Respondent
A076273 v.
Div. 5 Scott J. Fredette, Appellant
S068139 Appellant's petition for review DENIED.

1st Dist. In re Arron C., a Minor
A067469 -----
Div. 5 People, Respondent
S067313 v.
Arron C., Appellant
Appellant's petition for review DENIED.
Mosk, J., Kennard, J., and Werdegar, J., are of the opinion the
petition should be granted.

1st Dist. People, Respondent
A076821 v.
Div. 3 Englegert Perlas, Appellant
S067323 Request for judicial notice granted.
Appellant's petition for review DENIED.

1st Dist. Rayna Beauchamp et al., Respondents
A077057 v.
Div. 3 Vallejo Garbage Service Incorporated, Appellant
S067992 Petition for review DENIED.

1st Dist. In re Stanley L. Fugate on Habeas Corpus
A077321 -----
A079618 People, Respondent
Div. 2 v.
S068016 Stanley L. Fugate, Appellant
Appellant's petition for review DENIED.

- 1st Dist. Citizens for Open Access to Sand and Tide, Inc., Appellant
A077421 v.
Div. 1 Seadrift Association et al., Respondents
S068062 Appellant's petition for review DENIED.
Kennard, J., is of the opinion the petition should be granted.
- 1st Dist. Frank J. Farrell, Appellant
A077554 v.
Div. 4 James Ostroff et al., Respondents
S068159 Appellant's petition for review DENIED.
- 1st Dist. Pinole Medical Group Incorporated, Respondent
A078153 v.
Div. 4 Alta Bates Health Systems et al., Appellants
S067885 Petition for review DENIED.
- 1st Dist. Charles Quackenbush as Insurance Commissioner et al., Petitioners
A078530 v.
Div. 3 San Francisco County Superior Court, Respondent
S067731 Congress of California Seniors et al., Real Parties in Interest
Petition for review DENIED.
Mosk, J., is of the opinion the petition should be granted.
The request for an order directing depublication of the opinion is DENIED.
- 1st Dist. David Kallaby, Petitioner
A080359 v.
Div. 1 Workers' Compensation Appeals Board et al., Respondents
S068104 Petition for review DENIED.
- 1st Dist. Nicholas Joyner, Petitioner
A081695 v.
Div. 3 San Mateo County Superior Court, Respondent
S068522 People, Real Party in Interest
Application for stay and petition for review DENIED. (See Pen. Code section 1538.5, subd. (m) and *People v. Medina* (1972) 6 Cal.3d 484, 491-492.)

2nd Dist. Roderick Garcia et al., Respondents
B087952 v.
Div. 3 Valentine Birds, Appellant
S058162 Appellant's petition for review DENIED.

2nd Dist. Alliance of Small Emitters/Metals Industry et al., Appellants
B091493 v.
Div. 7 South Coast Air Quality Management District, Respondent
S067594 Petition for review DENIED.

2nd Dist. Jerome B. Rosenthal, Appellant
B097487 v.
Div. 1 Robert Steven Mann et al., Respondents
S068181 Appellant's petition for review DENIED.
Mosk, J., did not participate.

2nd Dist. Yun Ping Zhuang, Appellant
B097926 v.
Div. 5 Tad Fujiwara et al., Respondents
S067907 Appellant's petition for review DENIED.
The request for an order directing publication of the opinion is DENIED.

2nd Dist. People, Respondent
B099702 v.
Div. 7 Roberto Padilla et al., Appellants
S067383 Appellants' petitions for review DENIED.

2nd Dist. Lionel A. Daley, Appellant
B099927 v.
Div. 5 David Beck et al., Respondents
S067905 Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B102576 v.
B114096 Joel Landa, Appellant
Div. 1 -----
S067325 In re Joel Landa on Habeas Corpus
Respondent's petition for review DENIED.
The Reporter of Decisions is directed not to publish in the Official Appellate Reports the opinion in the above-entitled appeal,

filed December 11, 1997, which appears at 59 Cal.App.4th 1301.
(Cal. Const., art. VI, section 14; rule 976, Cal. Rules of Court.)

2nd Dist. Man-Ho Chan, Appellant
B103076 v.
Div. 1 Hales Investment Company et al., Respondents
S068138 Appellant's petition for review DENIED.

2nd Dist. Doheny West Homeowners' Association, Appellant
B103415 v.
Div. 5 American Guarantee & Liability Insurance Company et al.,
S067734 Respondents
Appellant's petition for review DENIED.
Request for judicial notice denied.
The requests for an order directing depublication of the opinion
are DENIED.

2nd Dist. People, Respondent
B105397 v.
Div. 2 Marlin Ashley Penn, Appellant
S068084 And Companion Case
Appellant's petition for review DENIED.

2nd Dist. Raymond Woolley et al., Respondents
B105562 v.
Div. 2 Solarch Incorporated et al., Appellants
S068028 Petition for review DENIED.

2nd Dist. People, Respondent
B106000 v.
Div. 2 Stephen Darren Remba, Appellant
S067278 Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B106076 v.
Div. 3 Cartez Rodney Myers, Appellant
S067403 Appellant's petition for review DENIED.
Mosk, J., is of the opinion the petition should be granted.
Kennard, J., is of the opinion the petition should be granted.

2nd Dist. Alfred Roven et al., Appellants
B106483 v.
Div. 2 Citadel Holding Corporation et al., Respondents
S068267 Appellants' petition for review DENIED.

2nd Dist. People, Respondent
B106553 v.
Div. 2 Eric Chase, Appellant
S068135 Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B106804 v.
Div. 7 Kenny Lamar Chambers, Appellant
S068080 Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B106872 v.
Div. 4 Anthony Eric Silva, Appellant
S067994 Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B107197 v.
Div. 6 Paul V. Baudizzon, Appellant
S068121 Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B107589 v.
Div. 4 Ronald Stacy Legnon, Appellant
S068111 Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B107612 v.
Div. 2 Cesar Gilberto Contreras, Appellant
S068166 Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B107817 .
Div. 7 Kenny Santana Johnson, Appellant
S067458 Appellant's petition for review DENIED.

2nd Dist. Los Angeles Scrap Iron and Metal Corporation, Appellant
B107916 v.
Div. 1 Courtaulds Aerospace Incorporated et al., Respondents
S068085 Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B108167 v.
Div. 5 Christopher Devon Gregory, Appellant
S068044 Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B108509 v.
Div. 1 Stacey V. Mayweather, Appellant
S068021 Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B108569 v.
Div. 6 Jimmie Frank Rodrigues, Jr., Appellant
S067998 Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B108716 v.
Div. 1 Roman E. De La Torre, Appellant
S068125 Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B109000 v.
Div. 4 Gerald C. Chavers, Appellant
S068012 Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B109068 v.
Div. 5 Roman Claudio, Appellant
S067972 Appellant's petition for review DENIED.
Mosk, J., is of the opinion the petition should be granted.

2nd Dist. People, Respondent
B109534 v.
Div. 2 Mario Nungaray, Appellant
S068025 Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B109819 v.
Div. 2 Eugene Burton, Appellant
S067986 Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B109826 v.
Div. 4 Savoya Darnell Collins, Appellant
S067224 Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B109863 v.
Div. 2 Carlos Vargas, Appellant
S068152 Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B109902 v.
Div. 1 Dominic O. Juge, Appellant
S068117 Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B109985 v.
Div. 5 Holly Faye Wilson, Appellant
S067119 Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B110454 v.
Div. 1 Juan R. Franco, Appellant
S068113 Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B110565 v.
Div. 7 Johnnie Russell Purvis, Appellant
S067979 Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B110843 v.
Div. 6 Juan Diego Chuk Carrillo, Appellant
S068127 Appellant's petition for review DENIED.

2nd Dist. B111036 Div. 7 S067975	People, Respondent v. Ronnie Marvel Williams, Appellant Appellant's petition for review DENIED.
2nd Dist. B111620 Div. 2 S067813	Mary Ann Rockwell, Petitioner v. Los Angeles County Superior Court, Respondent Interinsurance Exchange of the Automobile Club, Real Party in Interest Petition for review DENIED.
2nd Dist. B111726 Div. 2 S068157	People, Respondent v. Lafayette Johnson, Appellant Appellant's petition for review DENIED.
2nd Dist. B112232 Div. 2 S068186	In re Marlin Ashley Penn on Habeas Corpus Petition for review DENIED.
2nd Dist. B112277 Div. 6 S068076	People, Respondent v. Albert Tico Andrade, Appellant Appellant's petition for review DENIED.
2nd Dist. B112610 Div. 1 S068165	Housing Authority of the City of Los Angeles, Petitioner v. Workers' Compensation Appeals Board, Respondent Roger Chandler, Respondent Petition for review DENIED.
2nd Dist. B114377 Div. 1 S068147	Valentine G. Birds, Appellant v. Deborah Nugent, Respondent Petition for review DENIED.

2nd Dist. People, Respondent
B114505 v.
Div. 4 Kareen Anderson, Appellant
S068000 Appellant's petition for review DENIED.

2nd Dist. Mulji Patel, Petitioner
B115225 v.
Div. 7 Workers' Compensation Appeals Board et al., Respondents
S067656 Petition for review DENIED.

2nd Dist. Rowland Unified School District, Petitioner
B115530 v.
Div. 4 Workers' Compensation Appeals Board et al., Respondents
S067674 Petition for review DENIED.

2nd Dist. Cintas Corporation et al., Petitioners
B116275 v.
Div. 4 W.C.A.B. et al., Respondents
S067810 Juana Sanchez et al., Respondents
Petition for review DENIED.

2nd Dist. Shujaa Kamal, Appellant
B116521 v.
Div. 5 Culver City Unified School District et al., Respondents
S068023 Appellant's petition for review DENIED.

2nd Dist. Chester Bryant et al., Petitioners
B117512 v.
Div. 1 Workers' Compensation Appeals Board, Respondent
S067968 Sylvester Williams, Respondent
Petition for review DENIED.

2nd Dist. City of Los Angeles, Petitioner
B117603 v.
Div. 7 Workers' Compensation Appeals Board et al.,
S067668 Real Parties in Interest
Petition for review DENIED.

2nd Dist. Southern California Water Company, Petitioner
B118346 v.
Div. 1 Los Angeles County Superior Court, Respondent
S067895 Jeff Adler, Real Party in Interest
Petition for review DENIED.

2nd Dist. Jeffrey Hubbs, Petitioner
B118771 v.
Div. 3 Appellate Dept. Los Angeles County, Respondent
S068005 People, Real Party in Interest
Petition for review DENIED.

2nd Dist. Marcus Ruben Ellington, Petitioner
B118896 v.
Div. 5 Los Angeles County Superior Court, Respondent
S068004 People, Real Party in Interest
Petition for review DENIED.

3rd Dist. People, Respondent
C022379 v.
S067287 John Wesley Parratt, Appellant
Appellant's petition for review DENIED.

3rd Dist. People, Respondent
C023997 v.
S067498 Richard Albert Brinkman, Appellant
Appellant's petition for review DENIED.

3rd Dist. People, Respondent
C024221 v.
S067381 Frank Romas Sumahit, Appellant
Appellant's petition for review DENIED.

3rd Dist. People, Respondent
C024399 v.
S068122 David William Brown, Appellant
Appellant's petition for review DENIED.

3rd Dist. C024998 S068039	People, Respondent v. Colet Kit Brewer, Appellant Appellant's petition for review DENIED.
3rd Dist. C025908 S068115	In re the Marriage of Joy R. and H. Jackson Zinn ----- Joy R. Zinn, Respondent v. H. Jackson Zinn, Appellant Petition for review DENIED.
3rd Dist. C026419 S068123	People, Respondent v. Ronald Anthony Hill, Appellant Appellant's petition for review DENIED.
4th Dist. D023288 Div. 1 S068059	George McGill, Appellant v. Harold Tollerup et al., Appellants Appellants' petition for review DENIED.
4th Dist. D023663 Div. 1 S067252	C. Robert Karl et al., Appellants v. Commonwealth Land Title Insurance Company, Appellant Appellants' petition for review DENIED.
4th Dist. D024535 Div. 1 S068090	Kasler Corporation et al., Appellants v. Utility Vault Company, Respondent Petition for review DENIED.
4th Dist. D025324 Div. 1 S068006	Richard H. O'Harren, Appellant v. USAir Incorporated, Respondent Respondent's petition for review DENIED. Kennard, J., is of the opinion the petition should be granted.

4th Dist. People, Respondent
D026946 v.
Div. 1 Robert Rangel, Appellant
S068142 Appellant's petition for review DENIED.

4th Dist. Albert O'Rourke, Appellant
D027902 v.
Div. 1 Beatrice Burch, Respondent
S068018 Appellant's petition for review DENIED.

4th Dist. People, Respondent
D027969 v.
Div. 1 Randy Bourgerie, Appellant
S068223 -----
In re Randy Bourgerie on Habeas Corpus
Appellant's petition for review DENIED.

4th Dist. William Langjahr, Appellant
E016989 v.
Div. 2 Jack W. Kroonen et al., Respondents
S068037 Petition for review DENIED.

4th Dist. Swiss Property Mangement Company et al., Appellants
E017501 v.
Div. 2 Southern California IBEW-NECA Pension Plan, Respondent
S067277 Petition for review DENIED.

4th Dist. In re Michael Branson on Habeas Corpus
E017792 -----
E020260 People, Respondent
Div. 2 v.
S068056 Michael Branson, Appellant
Appellant's petition for review DENIED.

4th Dist. In re Jimmie Lee Ingram on Habeas Corpus
E018436 -----
E020229 People, Respondent
Div. 2 v.
S068128 Jimmie Lee Ingram et al., Appellants
Appellants' petition for review DENIED.

4th Dist. E018799 E020953 Div. 2 S068003	In re Joseph W. Gilbert on Habeas Corpus ----- People, Respondent v. Joseph W. Gilbert, Appellant Appellant's petition for review DENIED.
4th Dist. E019172 Div. 2 S068051	People, Respondent v. Michael Walker, Appellant Appellant's petition for review DENIED.
4th Dist. E019218 Div. 2 S068145	People, Respondent v. Rocky Loyd Dodd, Appellant Appellant's petition for review DENIED.
4th Dist. E022012 Div. 2 S068119	City of Riverside, Petitioner v. Workers' Compensation Appeals Board, Respondent Petition for review DENIED.
4th Dist. E022014 Div. 2 S068057	Lydia Gudino et al., Petitioners v. San Bernardino County Superior Court, Respondent People, Real Party in Interest Petition for review DENIED.
4th Dist. E022016 Div. 2 S068083	Steve Guillermo Ramirez et al., Petitioners v. San Bernardino County Superior Court, Respondent People, Real Party in Interest Petition for review DENIED.
4th Dist. G018940 Div. 3 S067463	People, Respondent v. Guadalupe Vincent Hernandez, Appellant Appellant's petition for review DENIED. Mosk, J., is of the opinion the petition should be granted.

4th Dist. Placentia Veterinary Clinic Inc., Appellant
G019086 v.
Div. 3 Northbrook Property and Casualty Insurance Co., Respondent
S067832 Appellant's petition for review DENIED.

4th Dist. People, Respondent
G019536 v.
Div. 3 Lauro Carrion Bautista, Appellant
S068200 Appellant's petition for review DENIED.

4th Dist. People, Respondent
G019637 v.
Div. 3 Rodney Dwayne Jefferson, Appellant
S068109 Appellant's petition for review DENIED.

4th Dist. Wawanesa Mutual Insurance Company, Respondent
G019652 v.
Div. 3 Paul E. Matlock et al., Appellants
S067897 Petition for review DENIED.

4th Dist. In re G. Raquel, Persons Coming Under the Juvenile Court Law
G020505 -----
Div. 3 People, Respondent
S068075 v.
G. Raquel et al., Appellants
Petition for review DENIED.

5th Dist. People, Respondent
F024821 v.
S068110 Darrell Cedric Stewart, Appellant
Appellant's petition for review DENIED.

5th Dist. People, Respondent
F024905 v.
S068126 Vincent Walker, Appellant
Appellant's petition for review DENIED.

5th Dist. People, Respondent
F025463 v.
S068093 Robin Len Watson, Appellant
Appellant's petition for review DENIED.

5th Dist. F025662 S068107	In re Amin T., a Person Coming Under the Juvenile Court Law ----- People, Respondent v. Amin T., Appellant Appellant's petition for review DENIED.
5th Dist. F026210 S067581	Estate of Edith May Klem, Deceased ----- Katheryne Ferreira, Respondent v. Frank Edwin Kelm, Appellant Petition for review DENIED.
5th Dist. F026221 S068182	David Mullen et al., Appellants v. Santokh Kodial et al., Respondents Petition for review DENIED.
5th Dist. F026522 S067781	People, Respondent v. Alfredo Mancilla Gonzalez, Appellant Appellant's petition for review DENIED.
5th Dist. F026698 S068174	People, Respondent v. Cydni Lisette Wilson, Appellant Appellant's petition for review DENIED.
5th Dist. F027612 S068049	People, Respondent v. Jose Silva, Appellant Appellant's petition for review DENIED.
5th Dist. F030045 S068064	Clark Allen Kimbrough, Petitioner v. Kern County Superior Court, Respondent People, Real Party in Interest Petition for review DENIED.

6th Dist. People, Respondent
H015159 v.
S067385 Mathew Guy Musladin, Appellant
Appellant's petition for review DENIED.

6th Dist. Monica A. Valladares, Appellant
H015446 v.
S058870 Continental Lawyers Title Co. et al., Respondents
Appellant's petition for review DENIED.

6th Dist. People, Respondent
H015620 v.
S067267 Gary Neil Holliday, Appellant
Appellant's petition for review DENIED.

6th Dist. People, Respondent
H016199 v.
S068114 Jed Harlan Miller, Appellant
Appellant's petition for review DENIED.

6th Dist. In re Dwight E. Abbott
H017854 on
S067527 Habeas Corpus
Petition for review DENIED.
Mosk, J., is of the opinion the petition should be granted.

6th Dist. In re Tony Mendoza
H017945 on
S067945 Habeas Corpus
Petition for review DENIED.
Mosk, J., is of the opinion the petition should be granted.

2nd Dist. People, Respondent
B109900 v.
Div. 7 Timothy Lamar Thompson, Appellant
S067909 The Reporter of Decisions is directed not to publish in the
Official Appellate Reports the opinion in the above-entitled appeal,
filed December 10, 1997, which appears at 59 Cal.App.4th 1271.
(Cal. Const., art. VI, section 14; rule 976, Cal. Rules of Court.)

1st Dist. In re the Marriage of Victoria Bennington Mohatt and Jayson Mohatt
A078876 -----
Div. 1 Victoria Bennington Mohatt-Sanderson, Respondent
S067902 v.
Jayson Arthur Mohatt, Appellant
The request for an order directing publication of the opinion in
the above entitled cause is DENIED.

2nd Dist. Michael J. Pattin, Respondent
B104318 v.
Div. 2 Los Angeles County Fire Department, Appellant
S067710 The request for an order directing publication of the opinion in
the above entitled cause is DENIED.

2nd Dist. Denise Breakman et al., Petitioners
B113738 v.
Div. 2 Los Angeles County Superior Court, Respondent
S067705 Law Offices of Seuthe and Matusek et al., Real Parties in Interest
The request for an order directing publication of the opinion in
the above entitled cause is DENIED.

3rd Dist. People, Appellant
C023863 v.
S067046 John David Little, Respondent
The request for an order directing depublication of the opinion in
the above entitled cause is DENIED.

3rd Dist. Gonsalves & Santucci Inc., Petitioner
C024065 v.
S055749 Sacramento County Superior Court, Respondent
RMC Lonestar Inc. et al., Real Parties in Interest
The request for an order directing publication of the opinion in
the above entitled cause is DENIED.

3rd Dist. Luis Alberto Navarro, a Minor, etc. et al., Appellants
C025776 v.
S068168 Luis Alfonso Herrera, a Minor, etc. et al., Respondents
The request for an order directing publication of the opinion in
the above entitled cause is DENIED.

- 4th Dist. William O. Talley, Jr., Appellant
G016949 v.
Div. 3 Board of Administration of the Public, Respondent
S067638 The request for an order directing publication of the opinion in
the above entitled cause is DENIED.
- S060424 In re Leon Watts
on
Habeas Corpus
On application of the Attorney General and good cause
appearing, it is ordered that the time to serve and file informal
response to the petition for writ of habeas corpus is extended to and
including April 12, 1998.
- S063653 People, Petitioner
v.
San Diego County Superior Court, Respondent
James Meredith Branham, Real Party in Interest
On application of real party in interest and good cause appearing,
it is ordered that the time to serve and file real party in interest's
reply brief on the merits is extended to and including April 7, 1998.
- S065021 Jabes Salgado et al., Appellants
v.
County of Los Angeles et al., Appellants
On application of appellant County of Los Angeles and good
cause appearing, it is ordered that the time to serve and file the
answer brief on the merits is extended to and including March 30,
1998.
No further extensions of time are contemplated.
- S068874 Robert Weisberg et al., Petitioners
v.
Daniel E. Lungren et al., Respondents
The above entitled matter is transferred to the Court of Appeal,
Second Appellate District.

2nd Dist.
B110955

People
v.
Derek Kevin Walton

The above-entitled matter, now pending in the Court of Appeal, Second Appellate District, is transferred from Division Seven to Division Five.

2nd Dist.
B112994

People
v.
Travis Jerome Gauff

The above-entitled matter, now pending in the Court of Appeal, Second Appellate District, is transferred from Division Five to Division Seven.

2nd Dist.
B115016

People
v.
Terry Eugene Anderson

The above-entitled matter, now pending in the Court of Appeal, Second Appellate District, is transferred from Division Seven to Division One.

2nd Dist.
B115383

People
v.
Robert Alarcon

The above-entitled matter, now pending in the Court of Appeal, Second Appellate District, is transferred from Division One to Division Seven.

Bar
Misc.
4186

In the Matter of the Application of the Committee of Bar Examiners of the State of California for Admission of Attorneys

The written motion of the Committee of Bar Examiners that the following named applicants, who have fulfilled the requirements for admission to practice law in the State of California, be admitted to the practice of law in this state is hereby granted, with permission to the applicants to take the oath before a competent officer at another time and place:

(LIST OF NAMES ATTACHED TO ORIGINAL ORDER)

S064771 In re **Howard George Johnson** on Discipline

The appendix to the petition for writ of review is ordered stricken. The motion to recuse and the petition for review are denied.

It is ordered that **Howard George Johnson** be suspended from the practice of law for one year, that execution of suspension be stayed, and that he be placed on probation for three years subject to the conditions of probation, including 90 days actual suspension, recommended by the Review Department of the State Bar Court in its opinion filed June 26, 1997. It is also ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that he comply with rule 955, California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar pursuant to Business and Professions Code section 6086.10 payable in accordance with Business and Professions Code section 6140.7 as amended effective January 1, 1997.

S064786 In re **Jerome Berg** on Discipline

The appendix to the petition for writ of review is ordered stricken. The request for judicial notice is granted. Both the motion to augment the petition or for plenary consideration and the petition for writ of review are denied without prejudice to seeking reconsideration in the event the court determines in *In re Rose on Discipline*, S062859, that there is a right to plenary judicial review of recommendations for attorney discipline.

It is hereby ordered that **Jerome Berg** be disbarred from the practice of law and that his name be stricken from the roll of attorneys. He is also ordered to comply with rule 955, California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar pursuant to Business and Professions Code section 6086.10 payable in accordance with Business and Professions Code section 6140.7 (as amended effective January 1, 1997).

*(See Business & Professions Code, § 6126, subd. (c).)

